

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 24, 2002

IN RE:

**PETITION FOR APPROVAL OF
AMENDMENT TO THE
INTERCONNECTION AGREEMENT
BETWEEN BELL SOUTH
TELECOMMUNICATIONS, INC. AND
NUVOX COMMUNICATIONS, INC. F/K/A
TRIVERGENT COMMUNICATIONS, INC.**

**DOCKET NO.
02-00807**

**ORDER APPROVING
AMENDMENT TO THE INTERCONNECTION AGREEMENT**

This matter came before Director Deborah Taylor Tate, Director Pat Miller, and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on September 9, 2002 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the fifth amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and NuVox Communications, Inc. f/k/a Trivergent Communications, Inc.

The original interconnection agreement between these parties was filed on August 18, 2000 and was assigned Docket No. 00-00736. It was approved at a regularly scheduled Authority Conference on October 24, 2000. The first amendment to the agreement was filed on May 10, 2001 under Docket No. 01-00420. The Authority approved the first amendment at the July 10, 2001 Authority Conference. The second amendment was filed on November 30, 2001

and a third amendment on January 16, 2002.¹ These amendments were filed under Docket No. 01-01041, and the Authority approved the amendments at the January 23, 2002 Authority Conference. Also on January 16, 2002, the fourth amendment was filed under Docket No. 01-01095. The Authority approved the fourth amendment at the February 5, 2002 Authority Conference. The fifth amendment, which is the subject of this docket, was filed on July 24, 2002.

Based upon the review of the fifth amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.
- 3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).² Thus, although the Authority finds that neither ground for rejection

¹ This amendment changed Trivergent Communications, Inc.’s name to NuVox Communications, Inc.

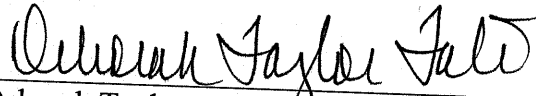
² See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

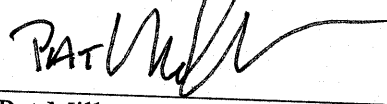
of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

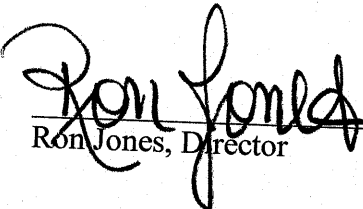
- 5) No person or entity has sought to intervene in this docket.
- 6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the fifth amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and NuVox Communications, Inc. is approved and is subject to the review of the Authority as provided herein.


Deborah Taylor Tate, Director


Pat Miller, Director


Ron Jones, Director